

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**LESTER HATFIELD,
WILLIAM D. HATFIELD,**

Defendants.

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**Case No. CR2-08-212(1) & (2)
JUDGE MARBLEY**

ORDER

This matter is before the Court on a Motion for Order of Determination of the Competency of the Defendant, Lester Hatfield, and on his Motion for Continuance of Trial. For the reasons stated below, the Court grants both motions.

Pursuant to 18 U.S.C. §4241(a), counsel for Defendant, Lester Hatfield, filed a motion for a hearing to determine the mental competency of the Defendant. Said statute also provides that prior to holding a hearing on the issue of competency, the court may order a psychiatric or psychological examination of the Defendant. 18 U.S.C. §4241(b).

Based upon the medical history of the Defendant, Lester Hatfield, presented in his motion requesting a hearing, the Court finds the Defendant has established “reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.” 18 U.S.C. §4241(a).

The Court, therefore, grants the Defendant's motion for a determination of competency and orders that a psychiatric examination of the defendant be conducted as soon as practicable.

18 U.S.C. §4247(b). The Court designates **Alvin Delt**, who is a licensed or certified psychiatrist, to conduct a psychiatric examination. Said examination is to be completed within forty-five days from the date of this Order.

Alvin Delt shall prepare a psychiatric report which shall include:

- (1) the person's history and present symptoms;
- (2) a description of the psychiatric, psychological and medical tests that were employed and their results;
- (3) the examiner's findings; and
- (4) the examiner's opinions as to diagnosis, prognosis and --
(A) ... whether the person is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

18 U.S.C. §4247(c). Said report shall be filed with this Court, with copies provided to counsel for the Defendant and counsel for the government, on or before May 21, 2009.

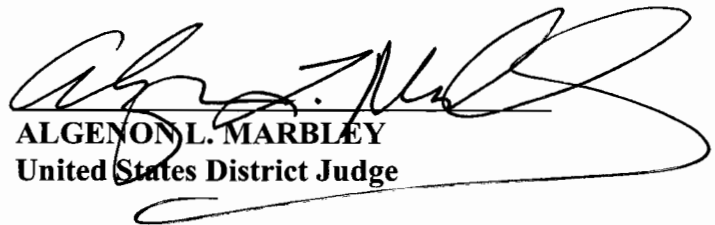
Should said examination and/or preparation of the report require more than 45 days to complete, defense counsel shall notify the Court and provide justification for an extension of time for completion.

Upon completion of this report, the Court will set a date for the competency hearing and establish deadlines for the exchange of other evidence concerning Defendant's competency to stand trial.

Since the psychiatric examination cannot be completed prior to the scheduled trial date of April 13, 2009, the motion for a continuance of the trial date is also granted. Pursuant to 18 U.S.C. §3161(h)(1)(A) and (7)(A), the ends of justice served by continuing the trial date to

complete said examination far outweighs the best interests of the public and the defendants in a speedy trial. This continuance applies to both the defendant, Lester Hatfield, and his co-defendant, William Hatfield, who have been joined for trial, with no motion for severance having been requested or granted. 18 U.S.C. §3161(h)(6).

The Court vacates the current trial date of April 13, 2009, and continues the trial to July 13, 2009. A new trial schedule will be established upon resolution of the competency issue of Lester Hatfield.



ALGENON L. MARBLEY
United States District Judge

DATED: April 7, 2009